

AMENDMENTS TO THE CLAIMS

The listing of claims will replace all prior versions, and listings, of claims in the application.

Listing of Claims

1. (Currently Amended) A moving image/audio recording apparatus, ~~wherein the apparatus comprises~~ comprising:

a memory for temporarily storing moving image data and/or audio data, irrespective of an instruction to start recording;

a recording unit for recording the moving image data and/or audio data in response to ~~an~~ the instruction to start recording; and

an encoding unit for encoding the moving image and/or audio in specified encoding conditions, ~~and wherein~~

in response to the instruction to start recording, the recording unit reserves a dummy area for transfer, after an instruction to end recording, of moving image data and/or audio data that was stored in the memory immediately before the instruction to start recording, and

if the moving image data and/or the audio data from the time which goes back from the time of the instruction to start recording are/is recorded in the recording unit, the time which goes back is subsequent to the time when the encoding conditions are changed to those at the time of the instruction to start recording.

2. (Currently Amended) A moving image/audio recording apparatus, ~~wherein the apparatus comprises~~ comprising:

a memory for temporarily storing moving image data and/or audio data, irrespective of an instruction to start recording;

a recording unit for recording the moving image data and/or audio data in response to ~~an~~ the instruction to start recording; and

a switching unit for switching moving image and/or audio to other moving image and/or other audio, ~~and~~ wherein

in response to the instruction to start recording, the recording unit reserves a dummy area for transfer, after an instruction to end recording, of moving image data and/or audio data that was stored in the memory immediately before the instruction to start recording, and

if the moving image data and/or the audio data from the time which goes back from the time of the instruction to start recording are/is recorded in the recording unit, the time which goes back is subsequent to the time when the moving image and/or audio are/is switched to those at the time of the instruction to start recording.

Claims 3 - 6 (Cancelled)

7. (Currently Amended) A moving image/audio recording method, ~~wherein the method comprises~~ comprising:

a recording step for recording the moving image data and/or audio data in a recording medium in response to an instruction to start recording; and

an encoding step for encoding the moving image and/or audio in specified encoding conditions, ~~and~~ wherein

in response to the instruction to start recording, a dummy area is reserved in the recording medium for transfer, after an instruction to end recording, of moving image data and/or audio data that was stored immediately before the instruction to start recording, and

if the moving image data and/or the audio data from the time which goes back from the time of the instruction to start recording are/is recorded at the recording step, the time which goes back is subsequent to the time when the encoding conditions are changed to those at the time of the instruction to start recording.

8. (Currently Amended) A moving image/audio recording method, ~~wherein the method comprises~~ comprising:

a recording step for recording the moving image data and/or audio data in a recording medium in response to an instruction to start recording; and

a switching step for switching moving image and/or audio to other moving image and/or other audio, ~~and~~ wherein

in response to the instruction to start recording, a dummy area is reserved in the recording medium for transfer, after an instruction to end recording, of moving image data and/or audio data that was stored immediately before the instruction to start recording, and

if the moving image data and/or the audio data from the time which goes back from the time of the instruction to start recording are/is recorded at the recording step, the time which

goes back is subsequent to the time when the moving image and/or audio are/is switched to those at the time of the instruction to start recording.

Claims 9 - 11 (Canceled)

12. (New) A moving image/audio recording apparatus, comprising:

a memory for temporarily storing moving image data and/or audio data, irrespective of an instruction to start recording;

a recording unit for recording the moving image data and/or audio data in response to the instruction to start recording; and

an encoding unit for encoding the moving image and/or audio in specified encoding conditions, wherein

in response to the instruction to start recording, the recording unit reserves a dummy area for transfer, after an instruction to end recording, of moving image data and/or audio data that was stored in the memory immediately before the instruction to start recording.